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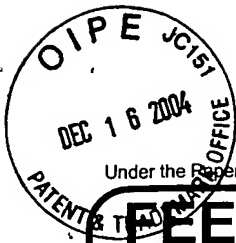
TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/679,255	
	Filing Date	October 3, 2003	
	First Named Inventor	Michael M. Mann et al.	
	Art Unit		
	Examiner Name		
Total Number of Pages in This Submission	15+	Attorney Docket Number	65568/ENCMP

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	1. CD Transmittal Letter dated November 29, 2004.
<input type="checkbox"/> Information Disclosure Statement	<input checked="" type="checkbox"/> CD, Number of CD(s) <u>2*</u>	2. . Attachments A and B.
<input type="checkbox"/> Certified Copy of Priority Document(s)	Remarks	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	*Two Replacement CDs.	
<input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Gilbert G. Kovelman Fulwider Patton Lee & Utecht, LLP
Signature	
Date	December 13, 2004

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the			
Typed or printed name	Gilbert G. Kovelman		
Signature		Date	December 13, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



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PTO/SB/17 (10-03)
Approved for use through 07/31/2006. OMB 0851-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) \$510.00

Complete if Known

Application Number	10/679,255
Filing Date	October 3, 2003
First Named Inventor	Michael M. Mann et al.
Examiner Name	
Art Unit	
Attorney Docket No.	65568/ENCMP

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit
Account
Number

06-2425

Deposit
Account
Name

Fulwider Patton Lee & Utecht, LL

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	790	2001	395	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$)

2. EXTRA CLAIM FEES FOR UTILITY AND

Extra Claims		Fee from below	Fee Paid
Total Claims	-20** =		
Independent Claims	-3** =		
Multiple Dependent			

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	88	2201	44	Independent claims in excess of 3
1203	300	2203	150	Multiple dependent claim, if not paid
1204	88	2204	44	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) \$0.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non - English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	430	2252	215	Extension for reply within second month	
1253	980	2253	490	Extension for reply within third month	510.00
1254	1,530	2254	765	Extension for reply within fourth month	
1255	2,080	2255	1,040	Extension for reply within fifth month	
1401	340	2401	170	Notice of Appeal	
1402	340	2402	170	Filing a brief in support of an appeal	
1403	300	2403	150	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,370	2453	685	Petition to revive - unintentional	
1501	1,370	2501	685	Utility issue fee (or reissue)	
1502	490	2502	245	Design issue fee	
1503	660	2503	330	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR § 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Statement	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) \$510.00

SUBMITTED BY

Name (Print/Type)	Gilbert G. Kovellman	Registration No. (Attorney/Agent)	19,552	Telephone	310/824-5555
Signature		Date	December 13, 2004		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



CERTIFICATION OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P. O. Box 1450, Arlington, VA 22313-1450 on December 13, 2004.

Gilbert G. Kovelman, Reg. No. 19,552]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: : Michael M. Mann et al.
:
Application No. : 10/679,255
:
Filing Date : October 3, 2003
:
For : BUSINESS ANALYSIS AND MANAGEMENT
: SYSTEMS UTILIZING EMERGENT METRICS
:
Examiner : Unassigned
Art Unit :
Confirmation No. : 7674
Docket No. : 65568/ENCMP
Date: : December 13, 2004

RESPONSE TO NOTICE TO FILE
MISSING PARTS OF NONPROVISIONAL APPLICATION

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application, Filing Date Granted, mailed July 16, 2004 (copy attached), applicants submit herewith two (2) replacement compact discs with Transmittal Letter dated November 29, 2004 and accompanying related Attachments A and B.

A Request for Extension of Time with appropriate fee is also being filed concurrently herewith.

The Commissioner is authorized to charge any required fee relating to this response to our Deposit Account No. 06-2425. A duplicate copy of this paper is enclosed.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By: 
Gilbert G. Kovelman
Registration No. 19,552

GGK/jb
Enclosures

Howard Hughes Center
6060 Center Drive, Tenth Floor
Los Angeles, CA 90045
Telephone: (310) 824-5555
Facsimile: (310) 824-9696
Customer No. 24201
73766.1



TRANSMITTAL LETTER
Metrics
November 29, 2004
Encompass Knowledge Systems, Inc.

This transmittal letter accompanies two copies of a compact disc containing the EnCompass® program, patent application, and other pertinent information. Both CD's are identical.

The following hardware requirements must be met in order to successfully run the software contained on the CD:

- IBM PC or PC compatible computer
- MS Windows NT 4.0, Windows 2000, or Windows XP operating system
- MS Internet Explorer 5.0 or higher
- Pentium CPU
- Minimum 32 MB RAM
- Minimum 100 MB available disk space, for program and local database
- Display adapter and monitor capable of 256 colors at resolution 1024 X 768

Compact Disk Machine Format: IBM-PC

Operating System Compatibility: MS Windows NT 4.0, Windows 2000, or Windows XP operating system with MS Internet Explorer 5.0 or higher.

File Location	File Name	Size in Bytes	Date of Creation	Notes
<root>	AafC.txt	11,020 bytes	August 9, 2002	All files in the DCA folder may be viewed using MS Word or a text viewer. These are source code files for the data collection algorithm.
<root>	AafH.txt	2,843 bytes	August 9, 2002	Source code file for the data collection algorithm.
<root>	AafclsH.txt	2,985 bytes	August 9, 2002	Source code file for the data collection algorithm.
<root>	AafmacH.txt	2,222 bytes	August 9, 2002	Source code file for the data collection

				algorithm.
<root>	aafrd1C.txt	26,358 bytes	August 9, 2002	Source code file for the data collection algorithm.
<root>	aafrd2C.txt	26,435 bytes	August 9, 2002	Source code file for the data collection algorithm.
<root>	AafsqlC.txt	5,328 bytes	August 9, 2002	Source code file for the data collection algorithm.
<root>	ANRC.txt	145,875 bytes	August 9, 2002	Source code file for the data collection algorithm.
<root>	ANRH.txt	6,368 bytes	August 9, 2002	Source code file for the data collection algorithm.
<root>	ANRCLSH.txt	10,219 bytes	August 9, 2002	Source code file for the data collection algorithm.
<root>	ANRMACH.txt	41,842 bytes	August 9, 2002	Source code file for the data collection algorithm.
<root>	DcaC.txt	64,650 bytes	August 9, 2002	Source code file for the data collection algorithm.
<root>	DcaH.txt	2,822 bytes	August 9, 2002	Source code file for the data collection algorithm.
<root>	dcabd1C.txt	9,500 bytes	August 9, 2002	Source code file for the data collection algorithm.
<root>	dcabd2C.txt	9,524 bytes	August 9, 2002	Source code file for the data collection algorithm.
<root>	DcaclsH.txt	3,924 bytes	August 9, 2002	Source code file

				for the data collection algorithm.
<root>	DcamacH.txt	1,878 bytes	August 9, 2002	Source code file for the data collection algorithm.
<root>	DcasqlC.txt	7,769 bytes	August 9, 2002	Source code file for the data collection algorithm.
<root>	DieC.txt	6,916 bytes	August 9, 2002	Source code file for the data collection algorithm.
<root>	DieH.txt	1,963 bytes	August 9, 2002	Source code file for the data collection algorithm.
<root>	DieclsH.txt	1,807 bytes	August 9, 2002	Source code file for the data collection algorithm.
<root>	DiemacH.txt	1,885 bytes	August 9, 2002	Source code file for the data collection algorithm.
<root>	DIRC.txt	102,326 bytes	August 9, 2002	Source code file for the data collection algorithm.
<root>	DIRH.txt	4,683 bytes	August 9, 2002	Source code file for the data collection algorithm.
<root>	DIRCLSH.txt	4,644 bytes	August 9, 2002	Source code file for the data collection algorithm.
<root>	DIRMACH.txt	28,085 bytes	August 9, 2002	Source code file for the data collection algorithm.
<root>	ISRC.txt	22,396 bytes	August 9, 2002	Source code file for the data collection

				algorithm.
<root>	ISRH.txt	2,083 bytes	August 9, 2002	Source code file for the data collection algorithm.
<root>	ISRCLSH.txt	2,314 bytes	August 9, 2002	Source code file for the data collection algorithm.
<root>	ISRMACH.txt	4,719 bytes	August 9, 2002	Source code file for the data collection algorithm.
<root>	TBFH.txt	2,856 bytes	August 9, 2002	Source code file for the data collection algorithm.
<root>	TBFCLSH.txt	12,222 bytes	August 9, 2002	Source code file for the data collection algorithm.
<root>	TBFMACH.txt	2,599 bytes	August 9, 2002	Source code file for the data collection algorithm.
<root>	TbfmetricC.txt	31,417 bytes	August 9, 2002	Source code file for the data collection algorithm.



UNITED STATES PATENT AND TRADEMARK OFFICE

DEC 16 2004

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/679,255	10/03/2003	Michael M. Mann	65568/ENCMP

24201
 FULWIDER PATTON LEE & UTECHT, LLP
 HOWARD HUGHES CENTER
 6060 CENTER DRIVE
 TENTH FLOOR
 LOS ANGELES, CA 90045

RECEIVED

JUL 19 2004

FULWIDER PATTON LEE & UTECHT

CONFIRMATION NO. 7674

FORMALITIES LETTER



OC000000013259633

Date Mailed: 07/16/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The compact disc(s) submitted fail to comply with 37 CFR 1.52(e) in that they contain non-ASCII files. A new duplicate set of compact discs with only ASCII files is required. Any replacement compact disc submitted should be accompanied by a certification as required by 37 CFR 1.52(e) that each disc of a duplicate set is identical to the other disc of the set. If a directory of the disc could be printed, it is attached and non-ASCII files are marked on the directory listing.

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

Z. Moguss

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE